

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION

KEVIN D. QUINTON, SR.  
ADC #141610

PLAINTIFF

v.

No. 3:20-cv-146-DPM

SHIELA ARMSTRONG, Grievance  
Coordinator, Grimes Unit; TOMMY  
ALLEN, Director of Nursing, Grimes  
Unit; ARIC SIMMONS, Nurse  
Practitioner, Grimes Unit

DEFENDANTS

ORDER

1. In response to Magistrate Judge Kearney's recommendation, Quinton objects, *Doc. 11*, and moves to amend his complaint again. *Doc. 10*. The proposed amendment does not change the facts alleged. Instead, it seeks to add Dr. Carpenter and Nurse Wood as named Defendants and to attach the ADC's specialty referral procedure. Motion granted. Quinton's proposed second amended complaint, *Doc. 10*, is deemed filed. The Court directs the Clerk to add Carpenter and Wood to the docket.

2. Quinton's amendment does not materially affect Magistrate Judge Kearney's reasoning or conclusions about Simmons, Allen, and Armstrong. On *de novo* review, the Court adopts therefore the recommendation, *Doc. 8*, and overrules Quinton's objections, *Doc. 11*.

FED. R. CIV. P. 72(b)(3). Though Quinton says that he complained to “medical staff” about his knee pain to no avail, *Doc. 10 at 7*, these allegations are too broad to pin liability on any particular Defendant. And the specifics in Quinton’s complaint don’t plausibly allege that Simmons, Allen, and Armstrong were deliberately indifferent to his serious medical needs. Quinton’s claims against them are therefore dismissed without prejudice.

3. In his objections, Quinton adds facts about Dr. Carpenter that aren’t pleaded in his second amended complaint. *Compare Doc. 10 with Doc. 11*. For example, he alleges that he told Dr. Carpenter that the prescribed exercises were causing more pain, but that the doctor ignored him. If Quinton wants Magistrate Judge Kearney to consider these added facts in analyzing the claims against Carpenter, then he must file a final amendment that includes those facts.

4. The Court returns this case to Magistrate Judge Kearney to set a deadline for Quinton’s final amendment, and for service or a recommendation about Carpenter and Wood in due course.

So Ordered.

*D.P. Marshall Jr.*  
D.P. Marshall Jr.  
United States District Judge

*8 July 2020*